

Staff Revised Draft Rule – For Discussion Purposes Only
Electric Vehicle Charging Station Installers, Maintainers, and Repairers (IMR)

Revised Draft Rule
Electric Vehicle Charging Station Installers, Maintainers, and Repairers (IMR) Rulemaking
Docket No. 12-0212
August 17, 2012

Section xx.x Purpose

The purpose of this Part is to adopt certification and notification requirements pursuant to Section 16-128A of the Illinois Public Utilities Act [220 ILCS 5/16-128A].

Section xx.x Definitions

Terms defined in Section 16-128A of the Illinois Public Utilities Act [220 ILCS 5/16-128A] shall have the same meaning for purposes of this Part as they have under Section 16-128A of the Illinois Public Utilities Act, unless further defined in this Part. The following terms, when used in this Part, shall have the meaning ascribed to them in this Section.

"Act" means the Illinois Public Utilities Act [220 ILCS 5].

"Applicant" means a person or entity that files an application with the Illinois Commerce Commission requesting certification pursuant to Section 16-128A of the Act to install, maintain, or repair electric vehicle charging stations.

"Certificate holder" means a person or entity that has received certification pursuant to this Part and is in good standing with the Commission.

"Commercial purposes" means use by any person of an electric vehicle charging station not located on his or her own premise.

"Commission" means the Illinois Commerce Commission.

"DOL registered electrician apprenticeship program" and "United States Department of Labor registered electrician apprenticeship program" means an electrician apprenticeship training program that is certified by the Department of Labor (DOL).

"DOL certification of satisfactory completion" means that person has received a nationally recognized and portable Certificate of Completion from a United States Department of Labor registered apprenticeship program.

"Direct supervision" and "directly supervised" means a qualified person must be in the immediate work area within reach of the person/apprentice.

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"Electric utility" means a public utility as defined in Section 3-105 and Section 16-102 of the Act [220 ILCS 5/3-105, 16-102].

"Electric vehicle" means (i) a battery-powered electric vehicle operated solely by electricity or (ii) a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.

"Electric vehicle charging station" means any facility or equipment [installed at a premises and connected to the premises electric wiring] that is used to charge a battery or other energy storage device of an electric vehicle. For the purposes of this Part, an "electric vehicle charging station" shall constitute a distribution facility or equipment as that term is used in subsection (a) of Section 16-128 of the Act [220 ILCS 5/16-128(a)]. For the purposes of this Part, Electric Vehicle Supply Equipment (EVSE), as that term is defined in the National Electrical Code, shall constitute an "electric vehicle charging station".

"Entity" means a corporation, limited liability company, partnership, sole proprietorship, or other business entity. [OR] "Entity" means an organization, institution, or being that has its own existence for legal or tax purposes.

"IMR" or "IMRs" means electric vehicle charging station installer(s), maintainer(s), or repairer(s).

"Install", "installing", and "installation" means the major activities and actions required to connect, in accordance with applicable building and electrical codes, the conductors, connectors, and all associated fittings, devices, power outlets, or apparatuses mounted at the premises that are directly involved in delivering energy from the premises electrical system wiring to the electric vehicle charging station. For the purposes of this Part, "install", "installing", and "installation" exclude tasks not associated with the electrical connection of the electric vehicle charging station to the electric utility's or premises' electrical system wiring.

"Maintain", "maintaining", and "maintenance" means the major activities and actions required to keep in an appropriate, safe condition and operation the conductors, connectors, and all associated fittings, devices, power outlets, or apparatuses mounted at the premises that are directly involved in delivering energy from the premises wiring to the electric vehicle charging station. For the purposes of this Part, "maintain", "maintaining", and "maintenance" exclude tasks not associated with the electrical connection of the electric vehicle charging station to the electric utility's or premises' electrical system wiring.

"NEC" means the current edition of the National Electrical Code adopted by the National Fire Protection Association, Inc. (NFPA 70E).

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"Qualified person" means a person who satisfies all of the following requirements:

- 1) The person performs work on behalf of the certificate holder; and
- 2) The person's name and proof of qualifications are filed or will be filed with the Commission under this Part and in the certificate holder's docket in accordance with this Part; and
- 3) The person adheres to all requirements of the NEC that pertain to electric vehicle charging stations; and
- 4) The person completed a DOL registered electrician apprenticeship program and received a DOL certification of satisfactory completion.

"Repair" and "repairing" means the major activities and actions required to restore to a safe, sound condition and operation the conductors, connectors, and all associated fittings, devices, power outlets, or apparatuses mounted at the premises that are directly involved in delivering energy from the premises wiring to the electric vehicle charging station. For the purposes of this Part, "repair" and "repairing" exclude tasks not associated with the electrical connection of the electric vehicle charging station to the electric utility's or premises' electrical system wiring.

"Retail customer" means the same as that term is defined in Section 16-102 of the Act [220 ILCS 5/16-102]. For purposes of this Part, a "retail customer" includes that retail customer's employees, officers, and agents.

"Self-installer" means the same as that term is defined in subsection (d) of Section 16-128A of the Act [220 ILCS 5/16-128A(d)].

Section xx.x Applicability

- a) This Part sets forth the requirements for installation, maintenance, and repair of electric vehicle charging stations in the State of Illinois. This Part also sets forth notification requirements that all retail customers who own, use, operate, maintain, or repair electric vehicle charging stations in the State of Illinois shall provide to electric utilities and that electric utilities shall file in their tariff or tariffs with the Commission.
- b) After the effective date specified in this Part, with the exception of a self-installer, all persons or entities that install, maintain, or repair electric vehicle charging stations in the State of Illinois shall be certified by the Commission under this Part prior to installing, maintaining, or repairing electric vehicle charging stations in the State of Illinois.

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Section xx.x Application Procedures

- a) The Commission shall issue an order granting or denying an application filed under this Section within 90 days (or 180 days if extended by the assigned Administrative Law Judge) after the date on which a complete application has been filed. The assigned Administrative Law Judge may extend the time for considering an application filed under this Section by up to 90 days and can schedule a hearing on the application if:
 - 1) A party to the application proceeding has formally requested that the commission hold hearings in a pleading that contains a verified prima facie showing that one or more of the allegations or certifications in the application is false or misleading; or
 - 2) Other facts or circumstances exist that will necessitate additional time or evidence in order to determine whether a certificate should be issued.
- b) The Applicant shall file its application using the "IMR Application Form" that shall be available on the Commission's website. The Applicant shall provide all information required by the application form and this Part.
- c) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- d) Applications for certifications shall be submitted with the appropriate fee payment and remittance form. The application fee for certification under this Part shall be \$3,000. The application and processing fees shall be paid by certified check, cashier's check, or money order made payable to "Illinois Commerce Commission/IMR". A remittance form on the Commission's website shall be submitted with the payment. The application fee is nonrefundable.
- e) All applications for certification under this Part shall be filed with the Chief Clerk of the Commission and shall be verified by a corporate officer pursuant to Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).

Section xx.x Required Application Information

All applications for certification under this Part shall contain the following information:

- a) Description of the applicant's business;

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- b) Applicant's Federal Employer Identification Number (FEIN) or Taxpayer Identification Number (TIN), as applicable;
- c) A certification that the applicant is bonded and licensed to do business in the State of Illinois and is in compliance with all other applicable laws, regulations and Commission rules and orders;
- d) The name (including d/b/a if applicable), address, telephone number, any facsimile number and any e-mail address of the agent registered with the Illinois Secretary of State. This information shall be kept current and any change regarding the certificate holder shall be reported within 15 days after the change occurs. The required information shall be filed with the Chief Clerk of the Commission at its Springfield office;
- e) Contact information including name(s), address(es), telephone number(s), facsimile number(s), and e-mail address(es), for persons or entities responsible for issues related to processing the application;
- f) A certification that the Applicant will comply with informational and reporting requirements established under this Part;
- g) A statement that the Applicant agrees to accept service by electronic means as provided for in Section 200.1050 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.1050);
- h) An organizational chart demonstrating the applicant's corporate structure, including all affiliated companies, if applicable; and
- i) An exhibit containing an internal corporate organizational chart indicating the position and name of persons being used to satisfy the requirements of this Part.
- j) An exhibit containing occupational background information on the persons who are being used to satisfy the requirements of this Part.
- k) Copies of the DOL certification of satisfactory completion of a registered electrician apprenticeship program for each person who is being used to satisfy the requirements of this Part.

Section xx.x Certification Requirements

An Applicant shall be certified if its application satisfies the following requirements.

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- a) The Applicant certifies that it will remain in compliance with all applicable laws and regulations and Commission rules and orders including, but not limited to, the requirements of Section 16-128A of the Act, subsection (a) of Section 16-128 of the Act, and this Part
- b) The Applicant certifies that it will ensure that its employees, agents or contractors, or the employees, agents or contractors of any entity, agent, or contractor with which it has contracted to perform those functions within the State of Illinois, shall:
 - 1) Comply with applicable building and electrical codes, including those contained in the NEC.
 - 2) Fully comply with the electric vehicle charging station manufacturer's installation instructions.
 - 3) Install only electric vehicle charging stations that meet recognized industry standards, such as the NEC, and standards developed or created by the Institute of Electrical and Electronics Engineers, the Electric Power Research Institute, the Detroit Edison Institute, the Underwriters Laboratory, the Society of Automotive Engineers, and the National Institute of Standards and Technology.
 - 4) Ensure that all IMR obligations required under this Part, Section 16-128(a), and Section 16-128A of the Act are met prior to the placing into, or returning into, use any electric vehicle charging station that certificate holder installed, repaired, or maintained.
 - 5) Submit notifications to the servicing electric utility in accordance with the requirements specified in applicable tariffs of the servicing electric utility, Section 16-128A of the Act, and this Part.
- c) The Applicant certifies that it will comply with applicable municipal bonding requirements to do business in the State of Illinois.
- d) The Applicant ensures that every installation, maintenance, and repair of an electric vehicle charging station will be:
 - 1) Completed by a qualified person(s); or
 - 2) Performed by a person currently participating in a DOL registered electrician apprenticeship program who is under the direct supervision of a qualified person who meets the requirements for the electric vehicle charging station installation.

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Section xx.x Certifications Conditioned Upon Compliance

Each certification issued to an IMR is conditioned upon compliance with the provisions of this Part, Section 16-128(a), and Section 16-128A of the Act. Violation of this Part or the Act render the IMR subject to penalties, including suspension, revocation, fines, or a combination of sanctions.

Section xx.x Annual Recertification and Reporting

- a) By April 1 of each year, each certificate holder shall submit a Recertification Report identified with the name of the certificate holder as it appears in the most recent Commission order granting the IMR EVI certification under this Part and shall be titled "IMR Annual (Year) Recertification Report under ____". The report shall be notarized and shall be filed with the Chief Clerk of Commission and filed in the certificate holder's docket/Code Part. The report shall contain the following information:
 - 1) A statement certifying that the certificate holder continues to maintain the required qualifications for the service authority granted in its certificate;
 - 2) A verified statement, with supporting documentation, of any changes to the original certification qualifications. For each supporting piece of documentation the IMR provides, the IMR shall specifically state how this information complies with each applicable subsection of this Part xxx;
 - 3) A statement confirming the IMR's continuing compliance with all requirements set forth in this Part, Section 16-128(a), and Section 16-128A of the Act; and
 - 4) The number of electric vehicle charging stations, classified by customer class and charging capacity, that the certificate holder installed, maintained, and repaired during the prior calendar year.
- b) The report shall not contain customer identifying information.
- c) All reports shall provide the name, telephone number, email address and mailing address of at least one person that is designated by the certificate holder to address questions pertaining to the report.

Section xx.x Complaint Procedures

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Complaints shall be filed in conformance with 83 Ill. Adm. Code 200.160, 200.170, and 280.170. The complaint shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

Section xx.x Commission Oversight

- a) Upon complaint or on the Commission's own motion, the Commission may investigate any and all activities subject to this Part, Section 16-128(a), and Section 16-128A of the Act, including violations thereof.
- b) If an IMR is installing, maintaining, or repairing electric vehicle charging stations without Commission-certification, the Commission shall issue penalties for noncompliance. Penalties collected for noncompliance with this Part shall be \$6,000.

Section xx.x Maintenance of Records

The Applicant shall agree to adopt and follow rules and procedures ensuring that documentation regarding installing, maintaining, and repairing electric vehicle charging stations are retained for a period of not less than three calendar years after the calendar year in which they were created. These records shall be made available by request to the Commission or its Staff on a confidential and proprietary basis.

Section xx.x Fees

- a) The following fees shall apply:
 - 1) Application for certification \$3,000
 - 2) Annual recertification report \$500
 - 3) Application to restore an expired certification/reinstate a revoked certification \$1,500
 - 4) Revision of a certification/Petition for address change \$30
 - 5) Penalty for noncompliance \$6,000
 - 6) Late filing annual recertification report \$10/day (minimum \$100)
 - 7) Returned check fee \$60

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- b) All fees under this Part shall be paid by certified check, cashier's check, or money order made payable to "Illinois Commerce Commission/IMR". Each payment shall display the EVI's name, address, and Federal Employer Identification Number (FEIN)/Taxpayer Identification Number (TIN).
- c) Each remittance of fees shall be accompanied by a transmittal in a format posted on the Commission's website.
- d) The payment, remittance transmittal, and any documents shall be mailed to:

Illinois Commerce Commission
IMR
527 East Capitol Avenue
Springfield, IL 62701
- e) Application and recertification fees are nonrefundable.

Section xx.x Notification Obligations of Electric Utilities, IMRs and Retail Customers

- a) Electric Utilities
 - 1) An electric utility shall file a tariff or tariffs with the Commission setting forth the documentation that retail customers who intend to install or have installed an electric vehicle charging station must provide to an electric utility. The electric utility's tariffs shall require the following information from such retail customers:
 - i) the intended date of the installation;
 - ii) the actual completion date of the installation;
 - iii) the business name of the certificate holder and name of the qualified person who completed the installation;
 - iv) the location of each electric vehicle charging station; and
 - v) the name, address, contact information including telephone number e-mail address, and electric utility account number for the retail customer on whose behalf the electric vehicle charging station is installed

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- 2) Each electric utility shall designate a point of contact and provide contact information on its website to facilitate the conveyance of the information to electric utilities that this Part requires.
- 3) Each electric utility shall ensure that documentation regarding installations of electric vehicle charging stations are retained for a period of not less than three calendar years after the calendar year in which they were created.
- 4) Each electric utility shall ensure that documentation regarding conversion of self-installed installations of electric vehicle charging stations to commercial use are retained for a period of not less than three calendar years after the calendar year in which they were created.

b) Electric Vehicle Charging Station Installers

The certificate holder shall submit notifications to the servicing electric utility of plans to install an electric vehicle charging station that serves load above 120 volt nominal alternating current at least thirty days prior to installation, and within thirty days of the date that the installation has been completed.

c) Retail Customers

- 1) All retail customers who own, use, operate, maintain, or repair an electric vehicle charging station shall provide the servicing electric utility with the following:
 - i) A certification that the customer installing the electric vehicle charging station was a self-installer, or
 - ii) Evidence that the electric vehicle charging station was installed by an IMR certified under this Part that is also in good standing with the Commission.
- 2) If the electric vehicle charging station was not installed by a self-installer, then the person or entity that plans to install the electric vehicle charging station shall provide notice to the servicing electric utility, consistent with this Part.
- 3) If a retail customer who owns or leases an electric vehicle charging station that was self-installed elects to convert the electric vehicle charging station from personal use to commercial use, then the retail customer must notify the servicing electric utility at least thirty days in advance of the electric vehicle charging station being used for

Comment [DEE1]: AIC believes that utility tariffs are the appropriate mechanisms to address installer notification requirements. To the extent such requirements continue to remain the subject of this rulemaking, AIC supports the subsection as drafted. AIC plans to actively investigate EV charging station installations in order to evaluate what effect, if any, such installations may have on AIC's system and/or facilities. AIC believes that at least 30 days is required to investigate and evaluate these potential effects. These comments should in no way be construed as a representation or agreement that AIC can or will perform any required system or facility upgrades or modifications within any notification timeline, whether set forth in this rule or embodied in any future revision to AIC's applicable tariffs.

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commercial purposes and provide the results of an inspection by a certified IMR [and/or local inspector] that indicates the electric vehicle charging station installation appears to have been properly installed or that documents changes that the certified IMR inspector recommends and that the retail customer makes to the electric vehicle charging station installation prior to its use for commercial purposes. The Commission-certified IMR that inspects the self-installed electric vehicle charging station shall evaluate the adequacy and safety of the electric vehicle charging station and report the results to the servicing electric utility.

Section xx.x Effective Date

The initial date for compliance with this Part is **xxx**.